

Notice of Allowability	Application No.	Applicant(s)	
	10/701,072	BUOT, THEODORE	
	Examiner	Art Unit	
	David Q. Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 11/15/03.
2. The allowed claim(s) is/are 1-16.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Douglas Goldhush on 12/16/05.
3. The application has been amended as follows:
 8. (Currently Amended) A radio telecommunication system[.], comprising:
means (508) for determining a bit rate increase in a cell on the basis of capacity requests,
means (508) for estimating the increase of transmission power caused by the capacity increase,
means (508, 518) for determining the cell power on the basis of the current cell power and the estimated power increase,
means (508, 518) for estimating the increase of the transmission power needed in the neighbouring cells caused by the capacity growth in the current cell,
means (508) for limiting the resource allocation in the cell requesting capacity, if the cell power of any of the neighboring cells exceeds the maximum value.
 9. (Currently Amended) A radio telecommunication system, comprising:
means (508) for determining a bit rate increase in a cell on the basis of capacity requests,
means (508) for evaluating the cost of an additional load,
means (508, 518) for allocating resources in a growing order of costs,
means (508) for estimating the increase of transmission power caused by the capacity increase,

means (508, 518) for determining the cell power on the basis of the current cell power and the estimated power increase,

means (508, 518) for estimating the increase of the transmission power needed in the neighbouring cells caused by the capacity growth in the current cell,

means (508) for limiting the resource allocation in the cell requesting capacity, if the cell power of any of the neighboring cells exceeds the maximum value.

15. (Currently Amended) A radio network controller, comprising:

determining means (508) for determining a bit rate increase in a cell on the basis of capacity requests,

estimating means (508) for estimating the increase of transmission power caused by the capacity increase,

determining means (508, 518) for determining the cell power on the basis of the current cell power and the estimated power increase,

estimating means (508, 518) for estimating the increase of the transmission power needed in the neighbouring cells caused by the capacity growth in the current cell,

limiting means (508) for limiting the resource allocation in the cell requesting capacity, if the cell power of any of the neighboring cells exceeds the maximum value.

16. (Currently Amended) A radio network controller, comprising:

determining means (508) for determining a bit rate increase in a cell on the basis of capacity requests,

determining means (508) for evaluating the cost of an additional load,

determining means (508, 518) for allocating resources in a growing order of costs,

estimating means (508) for estimating the increase of transmission power caused by the capacity increase,

determining means (508, 518) for determining the cell power on the basis of the current cell power and the estimated power increase,

estimating means (508, 518) for estimating the increase of the transmission power needed in the neighbouring cells caused by the capacity growth in the current cell,

limiting means (508) for limiting the resource allocation in the cell requesting capacity, if the cell power of any of the neighboring cells exceeds the maximum value.

Allowable Subject Matter

4. Claims 1-16 are allowed.

The following is an examiner's statement of reasons for allowance: ***

Regarding claims 1,2,8,9, and 15-16, the closest prior arts, Hamalainen et al. (US 2004/0063434 A1) or Robinson et al. (US 2004/0085935 A1), or Zhang (US 2005/0013273 A1), either singularly or in combination, fail to anticipate or render obvious that setting a maximum value for cell power, determining a bit rate increase in a cell on the basis of capacity requests, estimating the increase of the transmission power in a cell caused by the capacity increase, determining the cell power on the basis of the current cell power and the estimated power increase, estimating the increase of the transmission power needed in the neighbouring cells caused by the capacity growth in the current cell, if the cell power of any of the neighbouring cells exceeds the maximum value, limiting the resource allocation in the cell requesting capacity, as specified in claims 1,2,8,9, and 15-16.

Claims 3-6 depend on claim 1. Therefore, they are allowed.

Claim 7 depends on claim 8. Therefore, it is allowed.

Claims 10-14 depend on claim 9. Therefore, they are allowed.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bruin et al. (US 2003/0060209A1) teaches total radio network solution for GSM/EDGE.

Spaling et al. (US 2002/0077113 A1) teaches congestion control in a CDMA-based mobile radio communications system.

Laakso (US 2003/0003921 A1) teaches method for traffic load control in a telecommunication network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Nguyen


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER